

REMARKS

Claims 1-12 are pending and subject to a Restriction Requirement under 35 U.S.C. §§ 121 and 372. Claims 1 and 2 are amended in the present response.

The restriction is respectfully traversed. The Office Action mistakenly states that “[t]he inventions listed as Groups I and Group II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The special technical feature of Group I is a re-closable bag having a re-closable zipper and a top seal which is openable to gain access to the zipper.” In stark contrast, however, claim 6 clearly recites: “A method of manufacturing a bag according to claim 1.” Thus, by the terms of the claim, the method of claim 6 must be able to make the product as claimed in claim 1 and shares its technical features. Furthermore, the corresponding European application was granted and includes all 12 claims. While Applicant recognizes that the decision of the EPO examiner (that is, finding unity of invention and compliance with Rule 13.1) is not binding on the USPTO Examiner in this case, the European decision supports the logic of Applicant’s argument.

In compliance with 37 CFR 1.143, Applicant elects Group I, which includes claims 1-5.

Additionally, claims 1 and 2 have been amended to place the claims in condition for allowance and to further prosecution of the application. Applicant made a similar amendment in the corresponding European application, which was subsequently granted. Accordingly, Applicant submits that the claims in the present application are also in condition for allowance.

If the Examiner determines that a telephone conversation would further the prosecution of this case, he is invited to telephone the undersigned at his convenience.

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